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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/697,900 | 10/30/2003 | Harry Schatz | AUS920030408US1 | 9240 |

7590 10/04/2006

Darcell Walker
Suite 250
9301 Southwest Freeway
Houston, TX 77074

EXAMINER

MEKY, MOUSTAFA M

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| ART UNIT | PAPER NUMBER |
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2157

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,900

Applicant(s)

SCHATZ ET AL.

Examiner

Moustafa M. Meky

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,13,15-20 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,17 and 25-28 is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 6-8, 13, 15-16, 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The amendment filed 7/18/2006 has been entered and considered by the examiner.
2. Claims 1, 3-8, 13, 15-20, and 25-28 are presenting for examination.
3. Claims 5, 17, and 25-28 are allowed over the prior art of record.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1, 3-4, 6-8, 13, 15-16, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by DeLaCruz (US Pat. No. 6,999,989).
6. As to claim 1, DeLaCruz shows in Figs 1-2 & 4, a method for managing electronic mail return receipts using audio-visual notification (see col 1, lines 59-60, col 2, lines 58-63) comprising the steps of:
 - initiating an electronic mail return receipt operation, see col 1, lines 38-41, col 2, lines 21-26, col 4, lines 13-14;
 - determining the type of return receipt notification display (video of the recipient 150), see col 1, lines 38-41, col 2, lines 21-26, col 4, lines 13-14;
 - detecting a message at the receiver destination 150, see col 1, lines 41-46, col 2, lines 38, col 3, lines 10-16, col 4, lines 8-14;
 - transmitting a return receipt back to the message initiator 100, see col 1, line 51, col 2, lines 44-46, col 3, lines 40-43, col 4, lines 24-26;

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- capturing the return receipt at the message initiator location 130, see col 2, lines 44-46, col 3, lines 40-43;
- identifying the specific receiver destination (the recipient 150) transmitting the return receipt, see col 2, lines 44-46, col 3, lines 40-43; and
- displaying the specific receiver destination to the message initiator 100, see col 1, lines 35-37, col 2, lines 44-46, col 3, lines 40-43.

7. As to claim 3, creating a queue at a receiver destination 160 and queuing a return receipt notification in response to the detection of the opening of a message, see Fig 3, col 3, lines 64-67, col 4, lines 1-7 (The return receipt would be queued until the recipient stratify with his video).

8. As to claim 4, determining the type of return notification display (video of the receipient 150), see col 1, lines 38-41, col 2, lines 21-26, col 4, lines 13-14.

9. As to claim 6, creating a list of recipients of the original message at the message initiator location 110, see col 2, lines 21-26, col 3, lines 1-4.

10. As to claims 7-8, inherently identifying the original message at the message initiator 110 to match the sender of the notification to a corresponding recipient, and whether the original message had multiple receipts, see col 1, lines 35-37, col 2, lines 21-26, lines 44-46, col 3, lines 1-4, lines 40-43.

11. As to claims 13, 15-16, and 18-20, the claims are similar in scope to claims 1, 3, and 7-8, and they are rejected under the same rationale.

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Therefore, it can be seen from paragraphs 6-11 that DeLaCruz anticipates claims 1, 3-4, 6-8, 13, 15-16, and 18-20.

12. The applicant argues in his remarks that DeLacruz does not provide **the message originator** the ability to define various features of a return receipt display.

12.1. In response to the above argument, this limitations is not in the claim language. There is no indication in the claims that **the message originator** has the ability to define the various features of the return receipt display.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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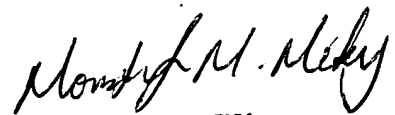
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M. Meky whose telephone number is 571-272-4005.

The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MMM
9/30/2006


MOUSTAF A M. MEKY
PRIMARY EXAMINER